

United States Department of the Interior
Bureau of Land Management
Northeastern States District
LLESM03200

Determination of NEPA Adequacy (DNA)

NEPA #: DOI-BLM-Eastern States-0030-2017-0004-DNA

Wayne National Forest Marietta Unit Oil and Gas Leasing
September 2017 Lease Sale

Date:	May 2017
Type of Action:	Oil and Gas
Serial Number:	N/A
Location:	Wayne National Forest, Marietta Unit, Ohio, Monroe County EOI-1635: T. 2 N., R. 4 W., Ohio River Survey Meridian Section 15, NENE (40.10 acres), W1/2 SENE (20.05 acres), Pt SWNE (37.57 acres), Pt NESE (4.16 acres). EOI-1639: T. 4 N., R. 5 W., Ohio River Survey Meridian Section 7, SENE (39.68 acres).
Project Acreage:	141.56 acres
Proponent:	Private industry

Bureau of Land Management
Northeastern States District
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MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior Bureau of Land Management

OFFICE: BLM Eastern States, Northeastern States District (LLESM03200)

NEPA NUMBER: DOI-BLM-Eastern States-0030-2017-0004-DNA

CASEFILE/PROJECT NUMBER: N/A

PROPOSED ACTION TITLE/TYPE: Wayne National Forest Marietta Unit Oil and Gas Leasing, September 2017 Lease Sale

LOCATION/LEGAL DESCRIPTION: Wayne National Forest Marietta Unit

PROPONENT (if any): Private industry

A. Description of the Proposed Action and any applicable mitigation measures

The Bureau of Land Management (BLM) proposes to offer parcels totaling approximately 141.56 acres of federal mineral estate within the Wayne National Forest (WNF) Marietta Unit, for lease in the upcoming September 2017 Competitive Oil and Gas Lease Sale. The proposed sale parcels are located in Monroe County, Ohio.

The BLM Eastern States Office (ESO) conducts quarterly competitive sales to lease available oil and gas parcels. A Notice of Competitive Lease Sale (Sale Notice), which lists parcels to be offered at the Lease Sale auction, is published by the ESO at least 45 days before the auction is held. Lease stipulations applicable to each parcel are specified in the Sale Notice. The decision as to which public lands and minerals are open for leasing and what leasing stipulations may be necessary, based on information available at the time, is made during the land use planning process. Constraints on leasing and on any future development of parcels with surface managed by other Federal agencies are determined by the BLM in consultation with the appropriate surface management agency (SMA), in this case, the U.S. Forest Service.

The BLM considered whether offering the parcels would be consistent with the oil and gas availability decisions and lease stipulations adopted in the 2006 *Final Revised Land and Resource Management Plan, Wayne National Forest* (2006 Forest Plan) and associated Final Environmental Impact Statement and Record of Decision.

In accordance with the 2006 Forest Plan, all parcels made available for lease contain appropriate lease stipulations and Lease Notices. A map depicting the two proposed parcels is contained in Attachment A, and legal descriptions of the parcels are in Attachment B. Full descriptions of the stipulations applied to each parcel are in Attachment C.

If the parcels are not leased at the upcoming September 2017 sale they would remain available to be leased for a period of up to two years to any qualified lessee. Parcels obtained in this way may be re-parceled by combining or deleting other previously offered lands. Mineral estate that is not leased after an initial offering, and is not leased within the subsequent two year period, must go through a competitive lease sale process again before being considered for leasing in a future sale.

Leasing does not authorize any development or use of the surface of lease lands without further

application by the operator and approval by the BLM. After a parcel is leased, the BLM may receive an Application for Permit to Drill (APD). BLM and the U.S. Forest Service, as the SMA, would jointly conduct additional site-specific NEPA analysis before approving an APD or other surface-disturbing activity. The applicant must also obtain a drilling permit from the State of Ohio.

B. Land Use Plan (LUP) Conformance

LUP Name Final Revised Land and Resource Management Plan, Wayne National Forest
Date Approved 2006

The Proposed Action is in conformance with the 2006 *Final Revised Land and Resource Management Plan, Wayne National Forest* (2006 Forest Plan), because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

- Goal 10.1 in the 2006 Forest Plan states, “Provide a supply of mineral commodities for current and future generations, while protecting the long-term health and biological diversity of ecosystems. Facilitate the orderly exploration, development, and production of mineral and energy resources on land open to these activities” (2006 Forest Plan, p. 2-41).
- Objective 10.1a in the 2006 Forest Plan states, “Coordinate with the Bureau of Land Management to offer leases of Federally owned minerals” (2006 Forest Plan, p. 2-41).

The 2006 Forest Plan identifies areas open for oil and gas leasing (pages 2-41 through 2-44), and specifies stipulations that would apply to leases (Appendix H of the 2006 Forest Plan). The BLM was a cooperating agency in development of the 2006 Forest Plan and its related Final Environmental Impact Statement. The proposed lease parcels are within the areas identified as open to leasing. Based on the 2006 Forest Plan, specific stipulations have been attached to each of the proposed lease parcels.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Final Environmental Assessment, Finding of No Significant Impact, and Decision Record for Oil and Gas Leasing, Wayne National Forest, Marietta Unit of the Athens Ranger District, Monroe, Noble, and Washington Counties, Ohio (December 2016)

This environmental assessment (EA) evaluated the anticipated environmental impacts of the Proposed Action to lease federal mineral estate within the proclamation boundary of the WNF, Athens Ranger District, Marietta Unit. The parcels that could be leased as part of the Proposed Action consist of all federal mineral estate underlying National Forest System (NFS) lands and total approximately 40,000 acres. The parcels proposed for leasing at the September 2017 oil and gas lease were analyzed in this EA.

Supplemental Information Report, Horizontal Drilling Using High Volume Hydraulic Fracturing (2012 SIR) (August 2012)

The WNF conducted a review to determine the sufficiency of the 2006 Forest Plan, EIS and associated planning documents in light of the BLM determination that horizontal drilling using high volume hydraulic fracturing (HVHF) became economically feasible. This review is documented in the 2012 SIR.

Final Revised Land and Resource Management Plan Final Environmental Impact Statement, Wayne National Forest (2006 Forest Plan FEIS) and Record of Decision (January 2006).

The 2006 Forest Plan FEIS documents the effects of applying alternative ways of managing the WNF to revise the 1988 *Land and Resource Management Plan, Wayne National Forest* (1988 Forest Plan).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is included in an alternative analyzed in the EA. The proposed lease parcels are within the area analyzed by the EA, and leasing and subsequent reasonably foreseeable development of oil and gas resources on the parcels was specifically analyzed throughout the EA (see chapters 3 and 4). The EA analyzes the types of stipulations which should be applied for resource protection and mitigation, and explains that stipulations, conditions of approval, and other existing laws can mitigate resource concerns during development. The EA also describes average acres of disturbance for development of well pads, roads, pipelines, and other facilities. Other resource sections within the EA describe the type and qualitative impacts of development on the various resources addressed in the EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives analyzed in the existing EA document are fully appropriate with respect to the new proposed action. The 2006 Forest Plan FEIS identified several alternatives for management of the WNF. The 2006 Forest Plan identified areas open for oil and gas leasing (pages 2-41 through 2-44), and specified stipulations that would apply to leases (Appendix H of the 2006 Forest Plan).

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of

BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The existing analysis is still valid. The Forest Service has consulted with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act with respect to federally listed species in the development of the 2006 Forest Plan/ EIS. As part of this consultation, the Forest Service completed a Biological Evaluation (BE) and the USFWS issued its Biological Opinion (BO) on November 22, 2005. The BO established a tiered approach to the Section 7 consultation. The programmatic (Tier I) BO (November 22, 2005) covers all the activities described in the 2006 Forest Plan/EIS at a programmatic, non-site-specific level. Because the BLM was a cooperating agency in the 2006 Forest Plan and EIS, the consultation conducted with respect to the 2006 Forest Plan and EIS applies to the Proposed Action analyzed in this EA.

As part of the 2012 SIR, the Forest Service reviewed new information related to hydraulic fracturing and whether there could be additional effects to threatened and endangered species that had not been previously analyzed in the 2006 Plan/ EIS. The Forest Service and the USFWS concluded that no further analysis or consultation was needed and that the consultation conducted under the 2006 Plan/EIS was still valid.

As the BLM analyzes individual projects pursuant to the Forest Plan, the BLM is responsible for reinitiating consultation and providing the USFWS with additional information; this process is called Tier II consultation. The BLM would submit a Tier II Biological Assessment to the USFWS when it receives an APD, if it determines that potential effects to critical habitat, fish or wildlife could occur. In order to reinitiate the consultation the FS should submit to the USFWS a:

- description of the Proposed Action and area affected;
- list of the species that may be affected and their locations;
- description of the nature of the potential effects;
- determination of the effects;
- cumulative total of incidental takes to date under the Tier I BO; and
- description of additional actions that were not described in the Tier I BO.

More recently, a BO was issued by the USFWS in 2016 for the 4(d) rule for the federally listed, threatened northern long-eared bat. This rule exempts incidental take of northern long-eared bat for federal actions that adhere to certain, basic conservation measures. The Forest Service operates under this BO and therefore the Proposed Action is also covered under the BO.

Since the existing NEPA analysis and documentation was prepared and finalized in December 2016, the rusty patched bumble bee (*Bombus affinis*) was listed as an endangered species on March 21, 2017, under the Endangered Species Act of 1973, by the U.S. Fish and Wildlife Service (USFWS). BLM re-initiated consultation with USFWS on April 6, 2017 regarding the rusty patched bumble bee. USFWS indicated that there were no recent records of the rusty patched bumble bee in southern Ohio and concluded that there would be no impacts expected to this species or its habitat as a result of implementing the proposed action.

There are no changes to resource related plans, policies, or programs, which would affect the validity of the existing analysis. No new methodologies have come to light which cause the obsolescence of the existing analysis. Appropriate lease stipulations and notices, best management practices, and mitigation measures will be applied to lease parcels.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The foreseeable impacts of oil and gas developments, as well as other resource management actions, were addressed in the EA based on a reasonable foreseeable development (RFD) scenario developed for the 2006 Forest Plan and further reviewed in the 2012 SIR. Since the decision for the EA was approved in December 2016, no new wells have been approved. Thus, the impacts, to date, from oil and gas development are within the range of alternatives analyzed in the EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The BLM conducted external scoping for the EA through a series of public meetings, requesting public comments, and through close coordination and data sharing with the Forest Service. Public notices appeared in local newspapers including the *Marietta Times*, *Athens Messenger*, and the *Ironton Tribune* for two consecutive weeks starting on November 1, 2015. The BLM also issued a press release to various news outlets on November 2, 2015, notifying the public of dates, times, and locations of the public meetings. Public meetings were held on November 17, 2015 in Marietta, November 18, 2015 in Athens, and November 19, 2015 in Ironton. The primary purpose for those public meetings was to provide information and gather public input regarding issues that the BLM should consider in this EA. At each meeting, the BLM and the Forest Service provided information regarding proposed oil and gas leasing activities throughout the WNF; displayed maps showing locations of requested leases and posters detailing the administrative processes associated with EOIs, leasing, and the NEPA; and answered inquiries regarding the project.

The BLM also created a project website for the EA in November 2015 that is accessible through the BLM national NEPA register at https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

The website provides links to documents, opportunities for public involvement, including methods for comment submission, maps, EOI information, and links to additional project information.

The BLM Eastern States Office (ESO) leasing process and policy incorporates a mandatory 30-day public comment period on all completed EAs and unsigned FONSIs. The documents were made available for public review and comment from April 28, 2016 through May 31, 2016 (to account for the Memorial Day holiday).

In addition to the public involvement activities conducted for this EA, the WNF previously conducted extensive public outreach for the development of the 2006 Forest Plan and EIS. Public involvement activities included comment periods on the Notice of Intent, Draft EIS and Proposed Revised Forest Plan, public meetings, and collaborative workshops (see page 1-9 and Appendix A of the Final EIS; U.S. Forest Service, 2005). The WNF published a news release for the Finding for the Supplemental Information Report on August 27, 2012. All of these documents are available online at:

<http://www.fs.usda.gov/main/wayne/landmanagement/planning>

An initial draft of this DNA will be posted on the BLM website:

<https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=78996> for 30 days for public review and comment. Responses to public comments will be summarized in Attachment E.

In addition, a notice of the competitive lease sale will be posted at least forty-five (45) days prior to the September sale on the BLM website:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=115683>

E. Persons/Agencies /BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Derek Strohl	Natural Resources Specialist	Soils; Plant and Animal Habitat and Populations; Environmental Justice; Socioeconomics; Air Resources (Reviewer)
Stan Plum	Archaeologist	Cultural Resources; Paleontology; Native American Religious Concerns; Recreation; Land Use; Noise
Katie Kassander	Natural Resources Specialist	Water Resources and Water Quality
Kurt Wadzinski	Planning & Environmental Coordinator	NEPA
Carolyn Helm	Geologist	Geology and Minerals
Kyle Schumacher	Natural Resources Specialist	Wastes, Hazardous and Solid; Visual Resources and Scenic Quality
Jennifer Finfera	Wildlife Biologist, Ecological Services, U.S. Fish and Wildlife Service, Columbus, Ohio	See Appendix D. Section 7 Consultation: Email to Derek Strohl on 4/6/17 indicating no expected impact to newly listed rusty patched bumble bee or its habitat from approving the proposed action; no record of the species in southern Ohio.

Note: In addition, the list of other agencies and tribes consulted and the complete list of preparers of the EA, is available in the EA, Chapter 7.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of NEPA Coordinator

Signature of the Responsible Official:

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

Attachment A: Proposed Action Area Map

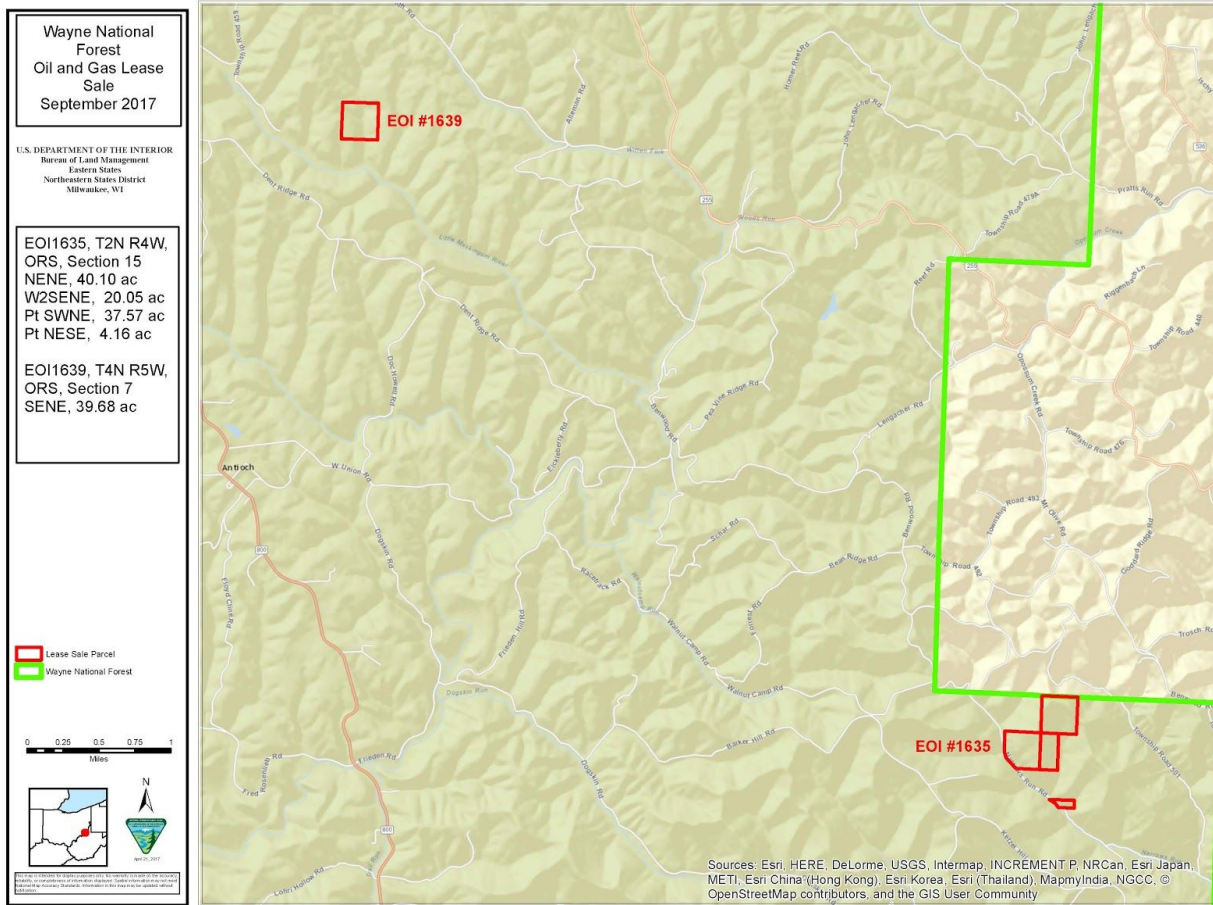
Attachment B: Legal Land Descriptions for Proposed Parcels

Attachment C: Lease Specific Oil and Gas Notifications and Stipulations

Attachment D: ESA Section 7 Consultation for Rusty Patched Bumble Bee

Attachment E: Responses to Public Comments

Attachment A: Proposed Action Area Map



Attachment B: Legal Land Descriptions for Proposed Parcels

EOI-1635: T. 2 N., R. 4 W., Ohio River Survey Meridian

Section 15

NENE, 40.10 acres

W1/2 SENE, 20.05 acres

Pt SWNE, 37.57 acres

Pt NESE, 4.16 acres.

EOI-1639: T. 4 N., R. 5 W., Ohio River Survey Meridian

Section 7

SENE, 39.68 acres.

Attachment C: Lease Specific Oil and Gas Notifications and Stipulations (Chapter 5 of EA)

Notices/Stipulations that apply to lands under EOI-1635

Forest Service Standard Lease Stipulations

Lease Special Notification: #1 (Applies to all lands in the Parcel)

Lease Notification: #1, #2, #3, #4, #5 (Applies to all lands in the Parcel)

Lease Stipulations: NSO #8 Slopes in excess of 55%

Lease Stipulations #15 Controlled Surface Use- Riparian areas

Lease Stipulations: #17 Controlled Surface Use -Slopes Between 35% and 55%.

Notices/Stipulations that apply to lands under EOI-1639

Forest Service Standard Lease Stipulations

Lease Special Notification: #1 (Applies to all lands in the Parcel)

Lease Notification: #1, #2, #3, #4, #5 (Applies to all lands in the Parcel)

Lease Stipulations: NSO #8 Slopes in excess of 55%

Lease Stipulations #15 Controlled Surface Use- Riparian areas

Lease Stipulations: #17 Controlled Surface Use -Slopes Between 35% and 55%.

USDA – FOREST SERVICE
STANDARD STIPULATIONS - LEASE
(FSM 2820)

Serial No.:
Lessee:
National Forest: Wayne

The lessee is notified and agrees:

All work and any operations authorized under this lease shall be done according to an approved operating plan on file with the **Forest Supervisor at USDA Forest Service, 13700 US Highway 33, Nelsonville, Ohio, 45764**. Plans generally require a minimum of 45 days for Forest Service review. Bureau of Land Management must also review and also approve.

Operating plan will contain information the Forest Officer determines reasonable for assessment of (1) public safety, (2) environmental damage, and (3) protection for surface resources. Content of such plans will vary according to location and type of activity and may contain:

1. Steps taken to provide public safety.
2. Location and extent of areas to be occupied during operations.
3. Operation methods including size and type of equipment.
4. Capacity, character, standards of construction and size of all structures and facilities to be built.
5. Location and size of areas where vegetation will be destroyed or soil lay bare.
6. Steps taken to prevent and control soil erosion.
7. Steps taken to prevent water pollution.
8. Character, amount, and time of use of explosives or fire, including safety precautions during their use.
9. Program proposed for rehabilitation and revegetation of disturbed land.

Copies of all permits obtained from State or Federal agencies pertaining to work might be required. Archeological studies, if required, will accompany plan.

The Forest Supervisor or his/her designated agent has authority to temporarily suspend or modify operations in whole or in part due to emergency forest conditions such as high fire danger or other unsafe situations.

The lessee must keep the **District Ranger** informed about progress of operations to the extent reasonably necessary for assuring public safety. This is especially important with geophysical inventory and testing activities because of their mobile nature. The lessee will alert the **District Ranger** to circumstances which may affect safe and efficient conduct of work activities.

Terms of this lease are considered violated if not done according to these stipulations.

See Special Stipulations & Notifications
OIL AND GAS LEASE STIPULATIONS/NOTIFICATIONS
Wayne National Forest, Ohio

Lessee

5. LEASE-SPECIFIC OIL AND GAS NOTIFICATIONS AND STIPULATIONS

5.1. Introduction

The text of this section is taken directly from Appendix H to the Forest Plan.

The following notifications and stipulations implement the standards and guidelines of the Wayne National Forest's 2006 Land and Resource Management Plan (Forest Plan). These are in addition to the standard lease terms for oil and gas leases (BLM Form 3100-11). Not all of these notifications and stipulations are applied to every lease, rather, only those that are relevant based on site conditions. These notifications and stipulations are necessary to protect specific resource values on the lease area. They may be made less restrictive or modified for site-specific situations if such change is found to be in the public interest. These notifications and stipulations may be made less restrictive or modified only after a formal analysis has been completed and specifically approved in writing by a Forest Service line officer.

5.2. Notifications

Special Notification #1

Operations under this lease will be consistent with all the standards and guidelines found in the Wayne National Forest's 2006 Land and Resource Management Plan and are hereby incorporated into this lease in its entirety. Forest Plan standards and guidelines may restrict location, timing, and methodology of oil and gas lease operations. Special surveys for protection of National Forest System land and resources will be required. A copy of the WNF's 2006 Land and Resource Management Plan is available from the following website <http://www.fs.fed.us/r9/wayne/> or by writing to:

Forest Supervisor
Wayne National Forest
13700 US HWY 33
Nelsonville, OH 45764

Notification #1 - Cultural Resources

The Forest Service is responsible for assuring the area to be disturbed is examined for cultural resources prior to allowing surface disturbing activities on lands covered by this lease. Important cultural resource values may be present on portions of a lease. Surface disturbing activities must avoid these areas unless the authorized officer agrees to the mitigation measures. The lessee/operators may, at their discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest

Service identifying the anticipated effects of the Proposed Action on cultural resource values. If items of substantial archaeological or paleontological values are discovered during operations, or a known deposit of such items is disturbed, the lessee (or operator) will cease work in the affected area. The lessee (or operator) will then notify the Forest Service and will not resume excavation until the Forest Supervisor gives written approval.

Notification #2 - Floodplains

Any activities proposed in, or likely to affect a floodplain will be subject to:

- Analysis and identification of alternate sites
- Public notification and comment period
- Provisions of any other federal, State or local laws and regulations as required under presidential Executive Order 11988, Protection of Floodplains.

Notification #3 - Protection of Federally Listed Endangered and Threatened and Regional Sensitive Species and their Habitats

The Forest Service is responsible for assuring that the area to be disturbed is examined prior to allowing any surface disturbing activities on lands covered by this lease. The examination is to determine effects upon any plant or animal species listed, or proposed for listing, as federally endangered or threatened, regional sensitive, and their habitats. If the findings of this examination determine that the operation(s) may have a detrimental effect on a species covered by the federal Endangered Species Act, the operator's plans may be denied or restrictions added. The presence of regional sensitive species may also require some restrictions of the operation(s). The Forest Service has the responsibility to conduct the required examination. In cases where the Forest Service time frames cannot meet the needs of the lessee/operator, the lessee/operator may, at his discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of the Proposed Action on federal endangered or threatened species, regional sensitive species, or their habitats.

Notification #4 - Compliance with Public Laws and Federal Regulations

Operators are required to comply with all public laws and federal regulations that apply to National Forest System lands and the Wayne National Forest's 2006 Land and Resource Management Plan.

Notification #5 - Steep Slopes and/or Unstable Soils

The area of this lease contains a considerable amount of land with steep slopes and/or unstable soils. Accordingly, the opportunity to locate access roads, drilling sites, pipelines, storage tanks

and other improvements may be extremely limited.

5.3. Management Areas Requiring Special Stipulations

Stipulation #1 - No Surface Occupancy - Future Old Forest

No surface occupancy allowed on the entire lease or on designated areas of the lease (see lease map) for the protection of the Future Old Forest resources.

On National Forest System land in Future Old Forest Management Areas, the Forest Service will issue leases for federal oil and gas only with a No Surface Occupancy (NSO) stipulation. In the case of federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to the Bureau of Land Management that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #2 - No Surface Occupancy - Research Natural Areas

No surface occupancy within designated areas of the lease (see lease map) for the protection of natural processes or research, historical, or educational values.

On National Forest System land in Research Natural Area Management Areas, the Forest Service will issue leases for federal oil and gas only with a No Surface Occupancy (NSO) stipulation. In the case of federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to the Bureau of Land Management that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #3 - No Surface Occupancy - Special Areas

No surface occupancy within designated areas of the lease (see lease map) to protect natural processes or research, historical or educational values.

On National Forest System land in Special Interest Management Areas, the Forest Service will issue federal oil and gas leases only with a No Surface Occupancy (NSO) stipulation. In the case of federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to Bureau of Land Management that operations be allowed to

continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #4 - No Surface Occupancy - Candidate Areas

No surface occupancy within designated areas of the lease (see lease map) for the protection of natural processes or research, historical or educational values.

On National Forest System lands in Candidate Research Natural Management Areas, the Forest Service will only issue federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to Bureau of Land Management that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #5 - No Surface Occupancy - Administrative Sites, Developed Recreation Areas, Trails, and Associated Trailheads

No surface occupancy within designated areas of the lease (see lease map) to protect special management units such as developed recreation areas, trails and associated trailheads, water supply facilities, administrative site, etc.

On National Forest System land within administrative sites, developed recreation areas, trails and associated trailheads, the Forest Service will issue leases for federal oil and gas only with a No Surface Occupancy (NSO) stipulation. The NSO designation will include a buffer zone, which will be determined in accordance with the Implementation Guide for Scenery Management. In the case of federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to the Bureau of Land Management that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

5.4. Resources Requiring Special Stipulations

Stipulation #7 - No Surface Occupancy - Cultural Resources of Known Significance

No surface occupancy is allowed within archaeological or historical sites of known significance (see lease map). At the time of any new proposed lease developments, a Forest Service archaeologist shall determine the need for any setbacks or restrictions for the protection of objects of historic or scientific interest.

Stipulation #8 - No Surface Occupancy - Slopes in Excess of 55 Percent

No surface occupancy is allowed on slopes in excess of 55 percent (see lease map) to protect soil and water from erosion and mass failure hazards because of steep slopes.

Stipulation #9 - No Surface Occupancy - Areas of Mass Instability

No surface occupancy is allowed for the exploration and development of energy minerals on areas with mass soil instability, as defined by the USDA County Soil Surveys (see lease map).

Stipulation #10 - No Surface Occupancy - Hibernacula

No surface occupancy within ¼ mile of all known Indiana bat hibernacula.

Stipulation #11 - Controlled Surface Use - Areas of Land with a Scenic Integrity Objective of 'High' or 'Moderate'

At the time of any new proposed lease developments, the responsible line officer shall determine the need for any visual quality mitigation. Some examples of mitigation may include special design and reclamation measures, transplanting trees and shrubs, fertilization, mulching, special erosion control structures, irrigation, site recontouring to match the original land contour, low profile equipment and painting to minimize contrast. Surface occupancy may also be limited or denied in sensitive areas, such as unique geologic features and rock formations, visually prominent areas such as designated trails and developed recreation sites.

Stipulation #12 - Controlled Surface Use - Known Locations of Federally Listed Species

No cutting of snags (trees with less than 10% live canopy), shagbark or shellbark hickories, or trees that are hollow and/or have major splits or broken tops, except during the bat hibernation season (September 15 through April 15). If such trees are a safety hazard, they may be cut anytime they pose an imminent threat to human safety, but if cut in the nonhibernation season the Forest Service biologist must be notified in advance. This stipulation applies only to trees over six inches in diameter.

Protect all supercanopy trees or other identified congregation roost trees for bald eagles along major river corridors and lakes. Protect known nests and roosts as described in the Bald Eagle

Recovery Plan, or as directed by the U.S. Fish and Wildlife Service.

Prior to any surface disturbing activities a Forest Service biologist will conduct an assessment for potential American burying beetle habitat and occurrence. Occupancy restrictions will be determined at the time of the evaluation.

Stipulation #13 - Controlled Surface Use - Known Locations of Regional Forester Sensitive Species

Controlled surface use may include setbacks or restrictions from portions of the lease to ensure protection of habitat for regional sensitive species. At the time of any new proposed lease developments, the responsible line officer shall determine the need for any setbacks or restrictions, or the need for timing-related stipulation in accordance with the aquatic and terrestrial wildlife and botanical resources standards and guidelines.

The leaseholder and Forest Service inspector shall work together to identify locations for development and production facilities in order to protect the structural integrity of large old trees found on a portion of the tract.

Stipulation #14 - Controlled Surface Use - Managed Wildlife Openings

At the time of any new proposed lease developments, the responsible line officer shall determine the extent of the surface use restrictions necessary to maintain habitat integrity for plant and animal species dependent on such habitats.

Stipulation #15 - Controlled Surface Use - Riparian Areas

At the time of any new proposed lease developments, the responsible line officer shall determine the appropriate surface use restrictions necessary to maintain the structural and ecological integrity of riparian areas, and aquatic and riparian-dependent species viability.

Stipulation #16 - Controlled Surface Use - Portions of Floodplains Outside Riparian Areas

Oil and gas activities may be allowed within that portion of a floodplain outside riparian areas. Mineral activities will be evaluated on a case-by-case basis, and appropriate mitigation measures will be applied. The leaseholder and Forest Service inspector shall work together to identify locations for roads, pipelines, well pads and production facilities.

Stipulation #17 - Controlled Surface Use - Slopes Between 35 and 55 Percent

Oil and gas activities will be allowed on slopes from 35 to 55 percent on a case-by-case basis with appropriate mitigation. New road construction and maintenance shall be planned to disturb the least amount of ground. The leaseholder and Forest Service inspector shall work together to identify locations for roads, pipelines, well pads, and production facilities.

Attachment D: ESA Section 7 Consultation for Rusty Patched Bumble Bee



Wadzinski, Kurt <kwadzins@blm.gov>

Fwd: rusty patched bumble bee

1 message

Strohl, Derek <dstrohl@blm.gov>

Thu, Apr 6, 2017 at 3:02 PM

To: "Wadzinski, Kurt" <kwadzins@blm.gov>

Kurt, let me know whether you need any additional information for a DNA.

Derek

----- Forwarded message -----

From: **Finfera, Jennifer** <jennifer_finfera@fws.gov>

Date: Thu, Apr 6, 2017 at 2:10 PM

Subject: rusty patched bumble bee

To: Derek Strohl <dstrohl@blm.gov>

Derek,

This email is in response to your inquiry about the potential for habitat for the rusty-patch bumble bee (*Bombus affinis*) within your project area. Recent records of this species are limited to a few counties in northern Ohio and one location in Franklin County. There are no recent records of this species in southern Ohio. Therefore, no impacts to this species or its habitat are expected.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy.

If you have any questions please contact me.

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Jenny Finfera
Wildlife Biologist
Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230

Phone: 614-416-8993 ext.13
Fax: 614-416-8994

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Derek Strohl, Natural Resource Specialist
Bureau of Land Management, Northeastern States District
Milwaukee, WI 53202
414-297-4416 (office)
414-403-6404 (cell)

Attachment E: Responses to Public Comments